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**DIVISION OF WATER RIGHTS**

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M E M O R A N D U M

TO: DALLIN JENSEN, Asst. Attorney General  
FROM: DONALD C. NORSETH, Directing Engineer  
SUBJECT: DEEP CREEK DISTRIBUTION  
DATE: MARCH 13, 1979

A problem has arisen regarding a Temporary Court Order Civil No. 3444 in the distribution of water between the Deep Creek Water User's and the Mosby Irrigation Company. The problem is as follows:

1. Is the Temporary Order still in force and effect as no permanent order has been issued?
2. Are the Deep Creek Water Users not connected with Deep Creek Irrigation Company, or Ollie Justice bound by the order.
3. Can Mosby Irrigation Company use the Deep Creek channel and may they claim the return flow from their irrigated lands which returns to the Deep Creek channel, or is this return flow to be considered stream accretion, *and* ~~should this return flow~~ be distributed to water users below the confluence of Mosby and Deep Creek,